

JACQUELINE M. JAMES, ESQ.

THE JAMES LAW FIRM  
445 HAMILTON AVENUE  
SUITE 1102  
WHITE PLAINS, NY 10601

T: (914) 358 6423  
F: (914) 358 6424  
[JJAMES@JACQUELINEJAMESLAW.COM](mailto:JJAMES@JACQUELINEJAMESLAW.COM)  
JACQUELINEJAMESLAW.COM

December 10, 2020

The Honorable Lorna G. Schofield  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

***Re: 1:20-cv-07928-LGS- Plaintiff's Second Request to Adjourn the Initial Pretrial Conference Scheduled for December 17, 2020 at 10:30 AM***

Dear Judge Schofield,

The James Law Firm, PLLC represents Plaintiff in the above captioned matter. This matter has been filed as a John Doe against the internet subscriber assigned IP address 96.250.252.238. Plaintiff respectfully requests an adjournment of the Status Conference currently scheduled for December 17, 2020 at 10:30 a.m. and for the resetting of all proposed scheduling deadlines until after the Defendant is named and served.

On September 24, 2020, Plaintiff filed the instant case against John Doe subscriber assigned IP address 96.250.252.238 claiming Defendant's direct infringement of Plaintiff's works through BitTorrent protocol [CM/ECF 1]. Because Defendant is only known to Plaintiff by Defendant's IP address, on September 30, 2020, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference in order to serve a third party subpoena on Defendant's ISP. [CM/ECF 6].

On October 5, 2020, Plaintiff was granted leave to serve a third-party subpoena on Defendant's ISP to obtain Defendant's identifying information. [CM/ECF 8]. Plaintiff served the subpoena on Defendant's ISP on or about October 6, 2020 and, in accordance with the time allowances provided to both the ISP and the Defendant, expected to receive the ISP response on or about December 7, 2020.

Pursuant to the Court's October 5, 2020 Order, the Initial Pretrial Conference was scheduled for December 3, 2020 at 10:30 a.m. [CM/ECF 9]. Because Plaintiff did not expect to receive the ISP response until December 7, 2020, on November 23, 2020, Plaintiff filed its First Letter Motion to Adjourn the Initial Pre-trial Conference Scheduled for December 3, 2020 ("First Letter Motion"). [CM/ECF 10].

On November 24, 2020, the Court granted Plaintiff's First Letter Motion, adjourning the initial pre-trial conference from December 3, 2020 to December 17, 2020. [CM/ECF 11].

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Plaintiff received the ISP response yesterday, December 9, 2020, and is currently conducting a further investigation to assist in determining whether the individual identified by the ISP is the appropriate defendant for this action prior to amending the Complaint to name the this individual.

Prior to the conference, the parties are required to confer and submit to the Court a proposed Case Management Plan and Scheduling Order. Because Defendant has not been named and served, and Plaintiff does not currently have an adversary to this action, Plaintiff is unable to anticipate the specific information required in the proposed Case Management Plan and Scheduling Order, including issues such as timing, electronic discovery, or even whether Plaintiff will ultimately proceed against Defendant.

For the foregoing reasons, Plaintiff respectfully requests for an adjournment of the initial pretrial conference currently scheduled for December 17, 2020 at 10:30 a.m. until after the Defendant has been served with the summons and Amended Complaint.

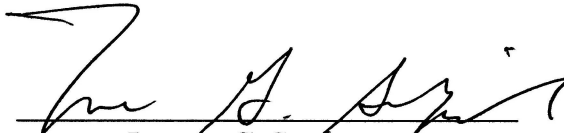
Respectfully Submitted,

The application is GRANTED. The initial pre-trial conference ("IPTC") is hereby adjourned from December 17, 2020, at 10:30 A.M. to **January 14, 2021, at 10:30 A.M.** The parties shall call (888) 363-4749 and use Access Code 558-3333. The time of the conference is approximate, but the parties shall be ready to proceed at that time. The materials for the IPTC as listed in Dkt. No. 9 shall be filed by **January 7, 2021.**

SO ORDERED.

Dated: December 11, 2020  
New York, New York

By: /s/Jacqueline M. James  
Jacqueline M. James, Esq. (1845)  
The James Law Firm, PLLC  
445 Hamilton Avenue, Suite 1102  
White Plains, New York 10601  
T: 914-358-6423  
F: 914-358-6424  
[jjames@jacquelinejameslaw.com](mailto:jjames@jacquelinejameslaw.com)  
*Attorney for Plaintiff*

  
**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**